

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

SEP 16 2009

LAWRENCE K. BAERMAN, CLERK
ALBANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOHN COURTNEY,

Defendant.

MOTION TO DISMISS

No. 07-M-240

Hon. Randolph F. Treece
U.S. Magistrate Judge

Comes now the United States of America, by and through Andrew T. Baxter, United States Attorney for the Northern District of New York, Edward P. Grogan, Assistant United States Attorney, of counsel, and respectfully moves this Court for leave to dismiss Complaint No. 07-M-240 (copy attached hereto), and in support of this motion avers as follows:

On July 14, 2007, Complaint No. 07-M-240 was sworn to before the Hon. Larry A. Kudrle. The Complaint charges JOHN COURTNEY with attempting to possess a schedule II controlled substance in violation of 21 U.S.C. § 846 and 841(a)(1). Defendant was released subject to conditions on July 17, 2007.

I have determined that continued prosecution of this defendant is not appropriate. Therefore, the government wishes to dismiss Complaint No. 07-M-240, without prejudice and in the interest of justice.

WHEREFORE, the United States Attorney moves the Court for an Order for Dismissal of
Complaint No. 07-M-240.

Dated: September 16, 2009
Albany, New York

Respectfully submitted,

ANDREW T. BAXTER
UNITED STATES ATTORNEY

BY:

A handwritten signature in black ink, appearing to read "E. P. Grogan", written over a horizontal line.

Edward P. Grogan
Assistant U.S. Attorney
Bar Roll No. 506388